

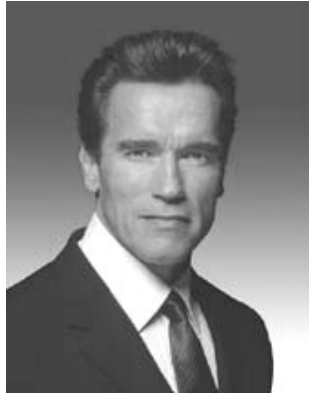
State of California Victim Compensation and Government Claims Board

Annual Report July 1, 2002 - June 30, 2003



“ I believe that the trauma an individual experiences affects our health as a community. In that way, we all have a stake in a victim’s recovery.”

Catherine Duggan, Program Director of the Crime Victims Assistance Program in Ventura County



Arnold Schwarzenegger, Governor of California

Victim Compensation and Government Claims Board Members:

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Secretary of State and Consumer Services

Steve Westly

California State Controller

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San Bernardino County Attorney

Catherine Close

Interim Executive Officer

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Pictured on the cover:

(Clockwise from left) Diana Godines, Larry Iniguez, Curtis Payne, Melissa Luna, Arlinda Martinez, Maria Sotomayer, Lema Perkins, Gretchen Anderson, Laura Hill, David Shaw, Georgia Pinola, Tina Campbell, and Magie Basaldu

(Center) Robin Jones and Pamela Grant

Our Vision, Missions, and Guiding Principles

Our Vision:

Creating a better tomorrow for our clients through our actions and innovations today.

Our Missions:

Victim Compensation:

We provide timely compensation and compassionate services to crime victims in collaboration with the community that supports them.

Government Claims:

We protect the state, its residents, and visitors by processing and resolving claims against the state in a timely and equitable manner.



**Balloon Release Commemorating
Victim's Rights Week 2003, Riverside**

Our Guiding Principles:

We fulfill this vision and mission when we dedicate our efforts to these guiding principles:

- ◆ Focus all our activities on behalf of those we serve;
- ◆ Provide responsive, quality, and ethical service;
- ◆ Work as one team to serve our clients;
- ◆ Demonstrate sensitivity to the needs of those we serve; and
- ◆ Build a work climate of courtesy, respect, and trust.

A Message from the Executive Officer

I am pleased to present the Annual Report for the Victim Compensation and Government Claims Board, and to report that the Board, the parent agency of the largest Victim Compensation Program in the United States, is healthy today, both programmatically and financially. The Board served record numbers of crime victims over the last two years, creating a fiscal crisis that we have overcome through decisive action and hard work.

During FY 02-03 the Victim Compensation Program received 61,430 new applications and paid more than \$117 million in benefits to crime victims. The Government Claims Program received more than 10,000 claims filed against state agencies.



Catherine Close

I would like to personally thank the many people who helped the Board excel in so many areas during the last fiscal year. In particular, I would like to thank Aileen Adams, who served as the Secretary of the State and Consumer Services Agency, and the members of our Board during FY 02-03: Steve Westly, State Controller, and his predecessor, Kathleen Connell; Clothilde Hewlett and J. Clark Kelso, each of whom served as Interim Director of the Department of General Services; and David Rosenberg, Senior Advisor to Governor Gray Davis. Their continuous support has been critical to the vitality and effectiveness of our program.

I also want to express my gratitude to the Board's employees at the office here in Sacramento, as well as contracted staff in Joint Powers verification units and Criminal Restitution Compact sites around the state, whose daily efforts touch the lives of victims in a myriad of positive ways. Next, I want to thank our partners in state, local and federal criminal justice agencies, especially the California Department of Corrections and the California Youth Authority, without whose support our assistance to victims would be impossible. A special thanks also to victim advocates who work directly with victims to insure they receive the benefits for which they are eligible and to the many service providers who graciously provided services this year while patiently waiting for reimbursement.

Finally, I want to express my special appreciation to former Executive Officer Kelly Brodie, who resigned in April 2003, whose tireless efforts increased the professionalism of our programs and extended the Board's services to victims in record numbers.

Sincerely,

Catherine A. Close,
Interim Executive Officer

One Victim's Voice: Cathie

At 7 a.m. on the morning of September 11, 2001, Cathie Ong-Herrera received a phone call from her brother, Harry. He asked her if she had the television on and stated that some planes had crashed into the World Trade Center in New York. Then, Harry asked, "Where's Betty?" Their sister, Betty, worked as a flight attendant for

*September 11th
changed Cathie's
life profoundly.*

American Airlines and was traveling from Boston to Los Angeles. Harry stated one of the planes that crashed into the World Trade Center was flying from Boston to Los Angeles. Later that day, American Airlines confirmed that Betty had been on the flight.

When Cathie arrived at her parent's home in San Francisco at about 9 p.m., she felt she needed to be in church. A priest opened a church for her family and they lit candles and the reality of the day's horror and tragedy took hold.

She watched the unending television coverage in an effort to find out everything she could. They learned that two flight attendants had called from American Airlines Flight #11. She said to her family that she wouldn't be surprised if one of them was Betty. Later, Cathie learned that indeed Betty had been one of the flight attendants who called the ground crew. She provided them with critical information about what was happening. Betty then asked the ground crew to pray for the people on the plane. Her phone call lasted 23 minutes and ended when the plane hit the World Trade Center.

Cathie found herself not knowing what to do. What was she supposed to do about Betty's remains? How would they have a funeral? The media constantly called wanting to pay tribute to Betty.

The Victim Compensation Program helped Cathie obtain therapy. "They have provided funds for me to see a therapist. In addition, the monthly support groups have been very healing. I feel that we are experiencing a different kind of grief. The group helps me to understand that what I am feeling is normal. Sharing with other families who experienced a loss on September 11th has been beneficial."



Cathie Ong-Herrera

September 11th changed Cathie's life profoundly. Her priorities have shifted. She has reevaluated her life and defined what is really important and what isn't. "I have experienced a heightened sense of appreciation for life and people. I am learning the value of being tolerant, patient, kind and understanding, but I don't understand why there is so much hatred in the world. I also know that there is incredible value in the strength of the family unit."

To other families experiencing the same type of loss or tragedy, Cathie says, "No matter what difficulties you encounter, there are people out there who truly care and want to help you. Your outlook on life may be pretty dim, but know there are people who want to help you."

The Year in Review

Helping Victims

In FY 2002/03, the Board received 61,430 applications from California crime victims or their family members. During the year, the Board paid out more than \$117 million in compensation to crime victims and family members to reimburse them for a variety of expenses incurred as a result of a crime.

Weathering Financial Difficulty

The Board surmounted a significant financial crisis in FY 02-03. We ended FY 01-02 with a record high number of crime victims served (62,000), a record high payout (\$125 million) and a \$30 million decrease in the Restitution Fund balance -- the Fund declined from \$79 million in July 2001 to \$49 million in June 2002. We began FY 02-03 knowing we would face significant cash flow problems that would impact our ability to pay claims.

Acting quickly, the Board initiated a series of benefit reductions to ensure continued viability of the program. The Board:

- ◆ Instituted a new, uniform, lower rate for reimbursement of medical bills;
- ◆ Lowered the hourly rate at which therapists are reimbursed to those in effect in 2001; and
- ◆ Reduced the number of mental health counseling sessions available to each claimant.

The Board also redoubled efforts to impose and collect restitution.

However, two more problems occurred that contributed to the seriousness of our financial difficulties.

Restitution collection was impacted by a new 20 percent surcharge imposed on offenders for trial court costs. State law requires counties to collect the new surcharge ahead of the restitution fines and penalty assessments that support the Victim Compensation Program. This year's income from restitution fines, orders, and penalty assessments was almost \$5 million less than last year, and this reduction may be due in part to the impact of the new surcharge.

Delay in passage of the federal budget resulted in uncertainty about when the Board would receive its 2003 \$44 million federal grant. In order to ensure that the program was able to continue providing services and payments to crime victims, the Board voted to delay payments to service providers between mid-January and mid-May of 2003 when the federal money was received.

The Board's prudent and decisive action markedly slowed the pace of decline in Restitution Fund expenditures. As a result, the fund balance stood at \$39 million when the year ended, thus ensuring the availability of compensation to California crime victims for the foreseeable future.

Supporting 9/11 Families and Survivors

Throughout the year, the Board continued monthly support and educational group meetings for California survivors and family members of those killed on September 11, 2001. Funded through a special grant from the federal Office for Victims of Crime's anti-terrorism program, the meetings were facilitated by counseling staff from the University of California at San Francisco (UCSF) Trauma Recovery Center.

Developing a New System for Resolving Government Claims

The Board implemented a new process for resolving government claims, assigning claims examiners to investigate claims through fact-finding hearings. Prior to the implementation of this process, claimants often had to appear before the Board in person. The new process allows claimants a more thorough investigation of their claims against the state and, according to a customer service survey, the process has provided claimants with a positive, convenient, and comfortable experience.

Funding Innovative Delivery of Mental Health Services

The Board continued to support a demonstration project in partnership with the UCSF Trauma Recovery Center at San Francisco General Hospital. Now in the third year of a four-year demonstration, the project is designed to increase crime victims' access to mental health and clinical case management services. This pilot also includes a study to evaluate whether the services are cost-effective and clinically-effective, and to identify potential barriers for victims accessing financial assistance and other services.

Preliminary data have been positive, showing that twice as many patients involved in the demonstration project received follow-up mental health services when compared to the typical crime victim in San Francisco.

Implementing a New Statute

A new law, which became effective on January 1, 2003, simplified the victim compensation statute and allowed us to make important changes to the Victim Compensation Program. The new law:

- ◆ Allowed payment of emergency awards in cases where a delay in payment would cause a victim substantial hardship;
- ◆ Consolidated and simplified rules for the late filing of claims; and
- ◆ Allowed "relative caregivers" to file and sign an application on behalf of a minor.



Robyn Sabado and Geoff Rohde of the Information Systems Section at the Board office in Sacramento.

FY 2002-2003 Financial Summary

Beginning Reserves	47,930,000	Administrative Costs	
Prior Year Adjustments	1,144,000	Salaries and Benefits	18,929,793
Beginning Fund Balance¹	\$49,074,000	Intergovernmental Contracts ²	12,360,129
		External Contracts ³	2,723,954
		Interagency Contracts	2,569,339
Revenue		Facilities Operations	1,810,564
Restitution Fines and Fees ⁴	52,479,806	Data Center and Processing	1,720,254
Penalty Assessments	45,447,949	General Expenses	700,499
Restitution Orders	2,039,771	Printing and Postage	508,961
Civil or Criminal Violations	1,798,660	Communications	268,145
Liens on Civil Suits	1,523,914	Travel and Training	180,114
Federal VOCA Grant ⁵	51,395,000	Subtotal Administrative Costs	\$41,771,752
Misc. Revenue	259,100		
General Fund ⁶	795,443	Total Disbursements	\$158,801,769
Special Elections ⁷	589,075		
Total Revenue	\$156,328,718	Special Appropriations	
		Ten Percent Rebate Program ⁸	3,970,986
Disbursements		CA Dept. of Justice ⁹	999,000
Total Claim Payments	118,085,418	CA Dept. of Mental Health ⁹	362,000
Adjustments ¹⁰	(1,055,401)	SB 551: Tolerance Education ⁹	727,815
Adjusted Payments	\$117,030,017	Special Elections	589,075
		Total Special Appropriations	\$6,648,876
		Ending Fund Balance	\$39,952,073

¹ Beginning Balance in FY 01-02 was \$78,626,000.

² These are Joint Powers (JP) contracts with 33 counties and victim assistance centers for claims processing.

³ Includes the Criminal Restitution Compact (CRC) contracts for restitution collection and the Trauma Recovery Center, a pilot project at San Francisco General Hospital.

⁴ Collections are down a total of \$7.9 million since FY 01-02 due to a new trial court surcharge that counties are required to collect ahead of restitution and penalties.

⁵ In FY 02-03 the federal government increased VOCA reimbursement from 40 percent of the claims paid in the prior fiscal year to 60 percent.

⁶ General Funds support the operation of the Government Claims Program (GCP).

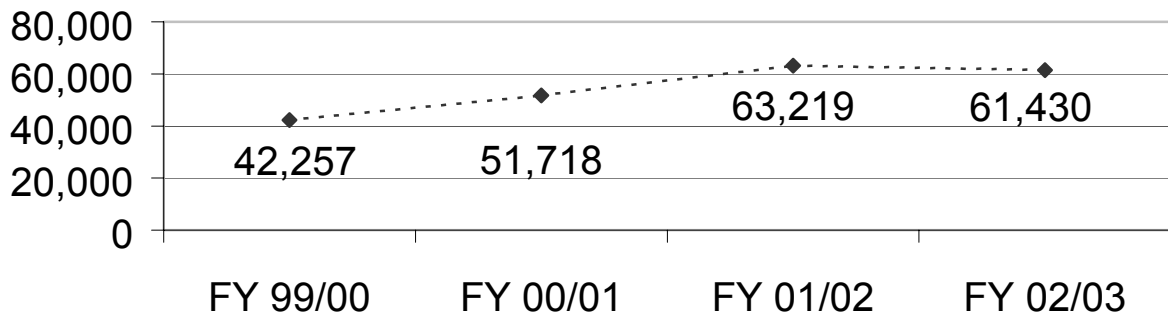
⁷ The Board receives General Funds to reimburse counties for local special elections through the GCP.

⁸ The Board provides this rebate to county revenue departments as financial incentive for timely collection of fines and orders.

⁹ Appropriations for the DOJ victim-witness protection program; DMH program for crime victims with disabilities; and SB551 anti-hate crimes legislation from 9/11.

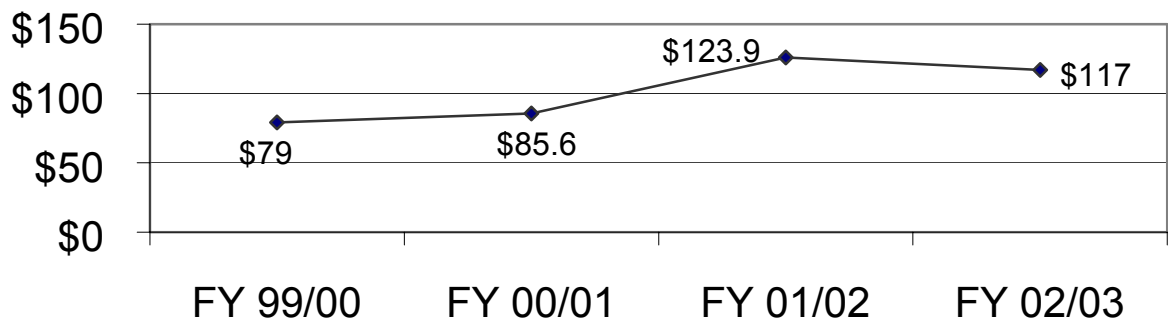
¹⁰ Adjustments represent checks and payments that have been returned, uncashed, for various reasons.

Victim Compensation Applications Received



	FY 02-03
Total Applications	61,430
Eligible Applications	56,661
Ineligible Applications	4,769
Applicants under 18	26,504
Adult Applicants	34,926

Victim Compensation Payments in Millions



The Victim Compensation Program

California's Victim Compensation Program (VCP) is the largest in the nation. Since its inception in 1965, the program has paid out more than \$1 billion to crime victims. A three-member Board, consisting of the Secretary of State and Consumer Services, the State Controller, and a third member appointed by the Governor, directs the program. The Board meets monthly to make decisions about the program's policies and direction, and to review appeals.

Who does the program help?

Victims of violence and their families must deal with the emotional, physical, and financial aftermath of violent crime. The VCP provides help for residents of the State of California regardless of where the crime occurred and for nonresidents who become victims of violent crime within the State of California. The program also assists a crime victim's spouse, domestic partner, child, parent, sibling, grandparent, grandchild, or household member. In order to receive compensation, a victim must reasonably cooperate with the investigation of the crime. Anyone involved in committing the crime is not eligible for the program, nor is anyone who is incarcerated or on probation or parole for committing a felony.

What kinds of expenses are covered?

Compensation payments can help with the costs of: medical treatment; dental care; funerals or memorial services; loss of wages for a surviving victim or loss of support for dependants of someone who has been killed or disabled; mental health counseling for a victim and family or household member; crime scene cleanup of a homicide; some home security improvements or relocation expenses; job retraining for a disabled victim; and home or vehicle modifications for a disabled victim.

How is the program funded?

The program is made possible through two funding sources: the collection of fines levied on persons convicted of crimes and traffic offenses in California; and the Office for Victims of Crime (OVC) in the U.S. Department of Justice. OVC provides funding through an annual Victims of Crime Act (VOCA) grant, which is supported by fines paid by offenders convicted in federal court. Through VOCA, every year each state compensation program receives a grant equal to about 60 percent of the amount awarded in claims in the preceding year.

What types of crimes are covered?

- ◆ Assault
- ◆ Child abuse
- ◆ Rape/sexual assault
- ◆ Murder
- ◆ Robbery
- ◆ Stalking
- ◆ Domestic violence
- ◆ Vehicular manslaughter
- ◆ Driving under the influence
- ◆ Hit and run
- ◆ Arson
- ◆ Other violent crime

Who is the Victim Compensation Program?

Compensation begins with the law enforcement officers, medical providers, and victim advocates in every county in California who inform crime victims about the program. Compensation applications are accepted in a variety of ways, including online at www.victimcompensation.ca.gov and by mail, but the first contact most victims have with the program comes through a victim advocate working at one of California's 59



Maria Sotomayor and Lema Perkins, both Victim Compensation Specialists at the Board office in Sacramento.

victim assistance centers. Many of these centers are in prosecutors' offices, some are in law enforcement agencies, others are based in county probation departments, and two are community-based non-profits.

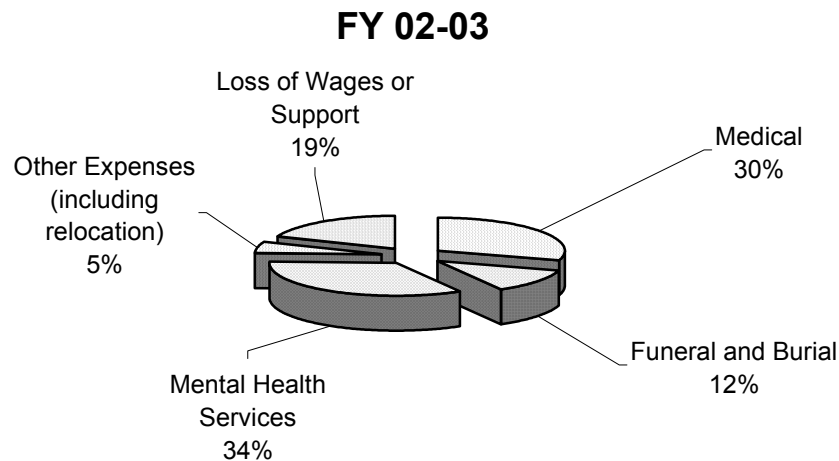
Getting compensation payments into the hands of crime victims, and the doctors, dentists, funeral homes, and counselors who help them, is a team effort. Compensation specialists work in one of 22 processing offices located in victim assistance centers around the state and at the central office of the Victim Compensation Program in

Sacramento. The 22 processing offices, or Joint Powers units (JPs), work in tandem with the staff at the Sacramento office and are a crucial local resource for victims in 41 counties throughout California. Compensation specialists at the Board's office in Sacramento handle applications filed by mail and through the victim assistance centers in 17 California counties. In addition to the 61,430 applications that were received in FY 02-03, the VCP paid almost 225,000 individuals bills that were submitted by claimants for payment or reimbursement. VCP staff members at the office in Sacramento also:

- ◆ Provide support for the three-member governing Board;
- ◆ Provide guidance to staff members in Sacramento and the contracted staff in 22 JP units to help them implement the statutes governing the program;
- ◆ Provide training on compensation issues to victim advocates and other victim service providers in California;
- ◆ Communicate with doctors and therapists providing mental health counseling and other services to crime victims to improve the quality of those services throughout the state;
- ◆ Publicize the program through printed and electronic means, as well as through in-person outreach to crime victims, service providers, and the general public;
- ◆ Design and provide professional training to compensation specialists, support staff, and supervisors (In FY 02-03 alone, Board staff conducted training around the state for more than 500 advocates, compensation specialists, and other staff.);
- ◆ Handle appeals and hearings; and
- ◆ Network with other victim services and state government agencies to improve victim services in California.

Types of Payments Made

	FY99-00	FY 00-01	FY 01-02	FY 02-03	<i>FY 02-03 Domestic Violence-Related Crimes¹¹</i>
Medical¹²	25,830,926	30,278,487	40,229,331	34,695,504	2,156,677
Funeral/Burial	6,788,909	7,887,533	13,290,627	13,961,828	380,777
Mental Health Services	36,166,134	34,935,375	47,782,436	39,901,657	12,946,407
Other Expenses¹³	396,602	1,925,875	6,087,314	6,210,329	3,633,107
Loss of Wages or Support	9,935,111	10,548,065	18,521,627	22,260,700	2,180,727
Adjustment for returned warrants* ¹⁴			(1,959,328)		
TOTAL	\$79,117,682	\$85,575,335	\$123,952,007	\$117,030,017	\$21,297,695



¹¹ These amounts are included in the total of \$117,030,017, not in addition to that amount.

¹² Includes dental expenses.

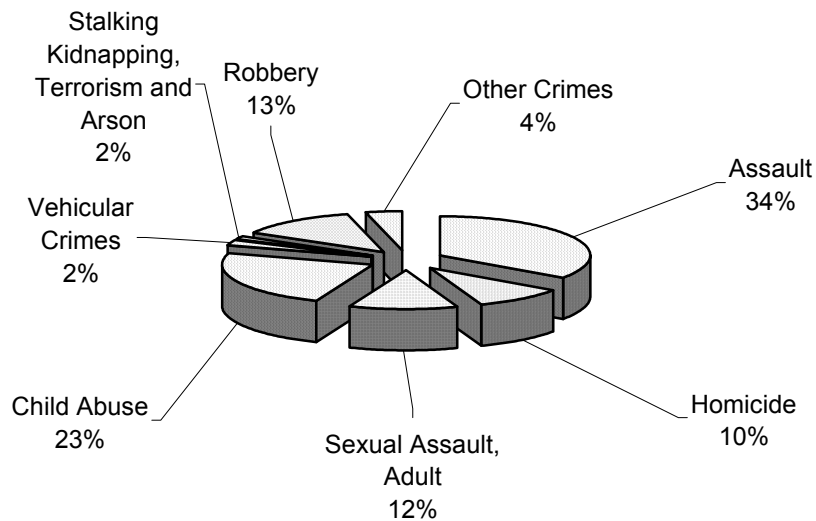
¹³ Includes emergency relocation.

¹⁴ Figures for 2001-2002 were calculated before adjustment for returned warrants. Figures for 2002-2003 were calculated using the adjusted figure of \$117,030,017.

Applications By Type of Crime

	FY 99-00	FY 00-01	FY 01-02	FY 02-03	<i>FY 02-03 Domestic Violence-Related Crimes¹⁵</i>
Assault	13,714	17,544	21,543	21,105	14,656
Child Abuse¹⁶	11,553	13,135	15,303	14,324	1,009
Robbery	5,564	6,565	7,787	7,652	23
Sexual Assault, Adult	5,012	5,961	7,727	7,082	294
Homicide	3,743	4,669	5,561	5,808	291
Vehicular Crimes	859	1,258	1,354	1,348	15
Stalking	195	271	316	358	195
Terrorism	0	1	374	237	0
Kidnapping	194	237	312	284	47
Arson	24	22	53	33	1
Other Crimes	1,399	2,056	2,890	3,200	1,019
TOTAL	42,257	51,718	63,219	61,430	17,550

FY 02-03



¹⁵ This number is included in the total of 61,430 claims, not in addition to that amount.

¹⁶ This category includes sexual and physical abuse of children.

One Victim's Voice: Solance

“He was my youngest son – Duane. He had been in the service and traveled to Europe. He liked bike riding and sports. He worked in construction and worked on many homes. He was very non-combative and never in trouble. He was the mediator type. He was very social and played the piano.”



Solance

Solance's son, Duane, was stabbed to death in August 2002. “He encountered a woman who asked him for money. He had none so he refused. She was mentally ill, suicidal and had been in jail. She got belligerent. He turned to walk away and she stabbed him. There had been so many crime victims that day that the paramedics arrived late. He bled to death. I did not get to see him. There was so much confusion that I did not know where he was taken.

“You get numb, go into denial; it was really unbearable. My son and I were especially close. He had never left home and we did lots of things together. The piano is now silent. I had to take a year off work because I was so depressed. I couldn't sell real estate while dealing with this. I had to be medicated, so it was hard to drive.”

For Solance and her husband, life will never be the same. “It's a day-to-day thing. It's like being in a room where the light suddenly goes out and you are groping.”

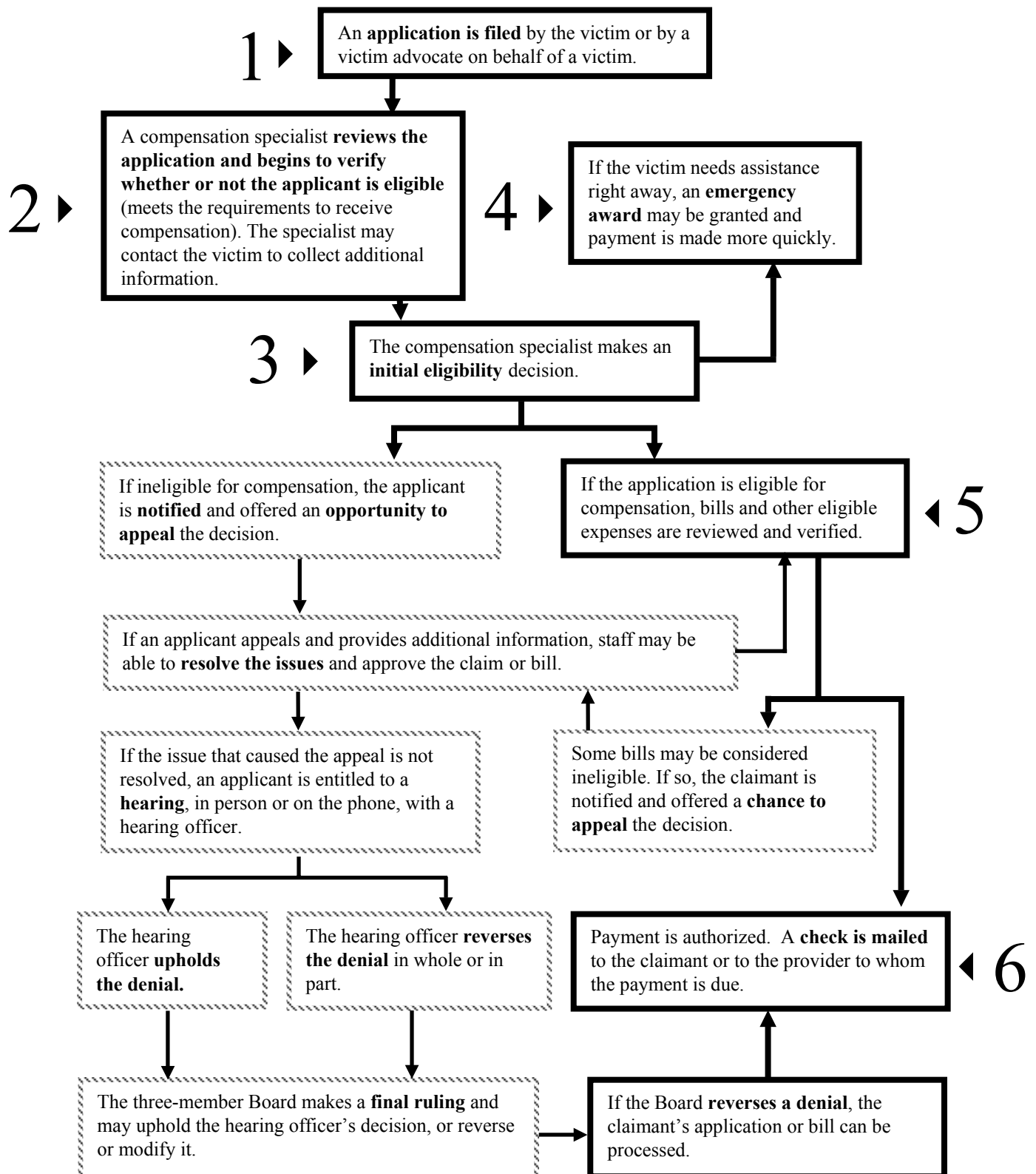
The financial assistance they obtained from the Victim Compensation Program was important to them. “My husband was semi-retired and I was not working. Being reimbursed for the funeral expenses so quickly was very helpful to me.”

Solance appreciated the assistance she received from a victim advocate.

“You're in such a state of mind that you don't want to do the paperwork, to be involved with discussing the problems, and filling out a lot of papers. I would not have been able to handle it. This was my first dealing with any assistance program. It worked out very well for me and was very professionally handled.”

“It's like being in a room where the light suddenly goes out and you are groping.”

Processing a Compensation Application



Compensation: A Collaboration

Victim Assistance Centers:

Victim advocates, though they are not connected to the VCP through funding or administration, are the ambassadors of the compensation program at the local level. Crime victims in each of California's 58 counties and the City of Los Angeles turn to advocates in victim assistance centers to get information about victim compensation. In addition to helping victims navigate the criminal justice system and access community resources, advocates help crime victims apply for compensation and act as representatives to the program on behalf of the victim or claimant. Victim advocates play a critical role in helping compensation funds reach victims of crime. They assist the victim by making sure the application is as complete as possible to avoid delays. They often help obtain police reports and other important information to speed verification. The Office of Emergency Services (OES) funds the centers.

JP Verification Units:

Within 22 victim assistance centers, the Board contracts to operate claims processing centers or Joint Powers (JP) verification units. Claims specialists in these JP units are part of the victim assistance centers; however, the units are funded by the Board rather than by OES, which funds the victim advocates. Claims specialists in these counties receive applications from the advocates in 41 California counties, verify eligibility, and arrange for the Board to make compensation payments. They also have the ability to make emergency awards and quickly pay funeral expenses or assist victims with relocation.

The 22 offices and the counties they process claims for include: Alameda, Butte (processes claims for Glenn and Colusa), Contra Costa, El Dorado, Humboldt, Los Angeles City, Los Angeles County, Orange, Placer (also processes claims for Nevada, Plumas, and Sierra), Riverside (process claims for Imperial), Sacramento (also serves Yolo), San Bernardino, San Diego, San Francisco, San Joaquin (handles claims from Amador, Calaveras, Fresno, Madera, Mariposa, Merced, Stanislaus, and Tuolumne), San Luis Obispo, Santa Barbara, Santa Clara (also processes claims from San Mateo), Santa Cruz, Shasta (also handles claims from Modoc, Trinity and Tehama), Sonoma, and Tulare.

The Victim Compensation and Government Claims Board Staff

In seventeen counties, advocates help victims prepare applications and send them directly to claims processors at the Board office in Sacramento. These counties are: Del Norte, Siskiyou, Lassen, Mendocino, Lake, Sutter, Yuba, Napa, Solano, Marin, San Benito, Monterey, Kings, Mono, Inyo, Kern, and Ventura. Crime victims in all 58 counties have the option of mailing applications directly to the Board, and thousands do so each year. 13 teams of compensation specialists at the Board office in Sacramento assist these victims. Board staff provide other vital functions to support the partners in this collaboration, such as policy development, technical support, and training.

Advocates: Helping Victims Access Compensation

Catherine Duggan: Program Director, Ventura County

Catherine Duggan has been working with crime victims since 1990. For three years she has directed of the Crime Victims Assistance Program in the Ventura County District Attorney's Office. Before becoming director, she worked with children who had been abused.



Catherine Duggan

“The part of this job I find most rewarding is being able to intervene on a victim’s behalf. We all have a stake in whether or not a crime victim recovers from the trauma. I believe that the trauma that individuals experience affects our health as a community. In that way, we all have a stake in the recovery.”

Catherine works closely with the team of victim compensation specialists in Sacramento that process Ventura County claims. “Board staff has been down here on two occasions recently – one to train our deputy district attorneys on restitution, which is very important, and then they came to train our staff and community victim service providers about the program. That

part of the training was a very specific update about how to help victims apply, the changes in relocation and mental health benefits and other issues. Both training sessions have been very helpful.”

Catherine sees first hand how compensation helps the crime victims she works with. One victim she remembers vividly was a young man who was stabbed in the neck and paralyzed. His parents didn’t speak English and the family was very poor. “This man had no resources and wasn’t getting assistance he needed. He was depressed and felt hopeless. Compensation paid for his medical expenses and to retrofit his residence for a wheel chair. As a paraplegic, he will continue to have many medical challenges and need the program’s support. Without the program paying for the retrofit of the house, the family could not have brought him home. They could not have got him in through the door.”

Karalina Cross:
Advocate, Los Angeles County

Karalina Cross, an advocate with the Los Angeles County District Attorney's Office, helps victims file applications. "I get calls from people who are very, very upset. Bill collectors calling them, they don't know what to do, they feel threatened by the person they are supposed to testify against. I calm them down and try to help them. I try to financially help them the best I can. I have some clients who come in seeking guidance, caring, and emotional support. It's like they are lost. I find out what their needs are, and figure out what I can do to help them."



Karalina Cross reviews an application.

Nita Ziegler:
Advocate, Humboldt County

Nita Ziegler has long experience working with victims in Humboldt County. "Eighteen years I've worked with victims of violent crimes. I've worked here in Humboldt County all those eighteen years, but prior to being a victim advocate, I was a claims specialist. I absolutely love it.

"We help people cope, understand, and participate in the criminal justice system. The cases that I handle are homicides, elder abuse, drunk driving, burglaries, robberies, and vehicular manslaughter. I go to court. I help victims apply to the VCP program. I handle restraining orders, victim impact statements, and crisis intervention calls.



Nita Ziegler

"We help people through tough times. They touch our hearts and we touch theirs. That's one thing we've learned. It's a horrible journey, and we walk with them together. One family that touched me in particular was a mother with two young children. The father was traveling in California and was murdered here, but the family lived out of state. We helped them apply for compensation and are providing loss of support, reimbursement for funeral expenses, and therapy to this family. Since

they were out of state, I called everyday to update them during the trial. At the sentencing, none of them could come, so I read their victim impact statement. They were devastated. This happened several years ago, and we still are in touch with them."

Compensation Specialists: Helping the Program Work For Victims

Maureen Donegan: Compensation Specialist, Sacramento Office

Maureen Donegan has been working on behalf of crime victims for more than twelve years -- the last three at the Board office in Sacramento. "I am on the phone a lot, contacting victims about their claims or to get additional information in order to speed the process up."

Maureen is a quality assurance member of her team. She reviews her team's claims to ensure that they are accurate and helps get them corrected before they go out the door. "I hope I am part of the healing process, helping victims get past trauma and continue on with their life. Often I hear back from the victims and their families. They thank me and let me know how well they are doing now. They wouldn't have been able to make it without the program."



Maureen Donegan

"It seemed that they'd handpicked those people for that job. They were very professional, kind and courteous."

One victim's assessment of the people who helped her.

Lisa Beach: Compensation Specialist, Butte County



**Pat Rose (l) and Lisa Beach (r)
work on a claim in the Butte
County Victim Witness Center**

Lisa Beach has been a claims specialist in Butte County since 1988. "I think the most rewarding thing about my job is being able to help people that are in need. You form a bond with some of your long-term clients, and because I've been with the program for so long, it's nice when they call. They know me by name and I know their story."

"I think it's really important for the people of the state to have this program. Some of these people have nowhere else to turn. This is it for some of them."

Joy Allison:
Supervisor, Riverside County JP Unit

Joy Allison began as a claims specialist in the Riverside County Victim Assistance Program JP unit in 1988. Today, as a supervisor, she reviews daily requests for emergency relocation benefits and funeral/burial benefits to determine if they meet the eligibility guidelines. “We try to assist those victims and their families immediately. I read the crime report, review documentation such as lease agreements and recommendations from law enforcement and providers, and look at the bills to make the determination and pay the victim as fast as possible. I love the satisfaction of assisting victims with their immediate needs. When you can reimburse victims’ crime-related expenses quickly, they have less to worry about in their lives.”



Joy Allison

Sylvia Nieto:
Program Manager, Santa Cruz

Sylvia has worked with victims for 18 years and has been the manager of the Santa Cruz victim advocates and JP unit for five years. “I review the crime reports for our county and delegate them to various advocates. I work with the claim specialists who are processing the claims, and I speak with claimants and answer their questions. Sometimes the original advocate is no longer here when the victim has ongoing problems, like the release of the offender from prison, so I assign to a new advocate, or work with them myself. I train our staff about changes in the compensation program such as new mental health limits.”

“Compensation provides tremendous help to families and individuals, even when the criminal justice system cannot.”

Sylvia and the other program staff work quite a bit with other counties. “If a victim has to move to another county for safety, job change, etc., I hook them up with the victim witness center in their new community and share information with them, so the victim doesn’t have to tell their story all over again. I smooth the process for them.

“Compensation provides tremendous help to families and individuals, even when the criminal justice system cannot. We can help them obtain mental health treatment and get their bills paid for expenses they have had because of the crime. It’s gratifying to know that the work that we do is really helping people when they’ve been impacted significantly by crime.”

Kari Celaya:
Compensation Specialist, Sacramento Office

Kari Celaya has been with the Board as a victim compensation specialist for about two years. Prior to that she had been a juvenile corrections officer in Arizona.

“Typically each day I talk with victims, asking about their needs. I’ll pay any bills that need to be paid. I have to verify that all the bills we receive are connected to the crime and I check for other reimbursement sources like MediCal and disability.

“I enjoy helping other people, helping victims. I enjoy the people that I work with. It’s satisfying knowing that I’m helping others and that I’m making a difference in somebody else’s life.”

Kari processes claims from crimes that occurred in Ventura County. This year she participated in a project with Ventura County to help provide training on compensation issues to victim advocates and dozens of other professionals who work with crime victims at the invitation of Catherine Duggan, Director of the Crime Victims Assistance Program in Ventura County.



Kari Celaya

Sourosch Seifikar:
Compensation Specialist, Sacramento Office

Sourosch is a victim compensation specialist and has been with the Board for two years. One of the things he appreciates most about his job is being able to make a profound difference in someone else’s life. “Sometimes our help can prevent a breakdown in their lives. Because we are the payor of last resort, we give them help they can’t get anywhere



Sourosch Seifikar

else.” One victim of a shooting was paralyzed and bedridden for an extended period. He needed a specialized wheelchair, and was denied by MediCal and all other sources. “We worked with the wheelchair manufacturer to purchase one at a discount. Once we gave him the wheelchair, he was able to leave the bed, start physical therapy, and go home and be with his family.”

Sourosch has been touched by many of the families he has worked with. One victim of domestic violence whom he helped still calls him every few months to tell him she and her children are okay. He helped them obtain funds for relocation and mental health treatment, and made sure they got connected with local services.

One Victim's Voice: Cynthia

“Our twins were three and a half years old when they were abandoned by their birth mother.” Cynthia’s two boys came to her on September 11, 2001. “The birth mother left the twins with their grandmother with only a note. Their birth dad came to pick them up to visit with them. He took them to the park and fell asleep. When he woke up, the twins were not there. Next he went to a bar. Hours later he told their grandmother that he didn’t know where they were. He was eventually convicted



Cynthia's twin sons

of child endangerment. These are children numbers 4 and 5 removed from their birth parents.” The twins were in foster care for several weeks, Cynthia relates. “The original foster parents were unable to handle the twins and spanked them in violation of the rules. So we fostered them for a year and then adopted them.

“We had no idea what we had gotten into when we received the twins. There were so cute. But they had a lot of problems. They had no body boundaries, personal space boundaries, or stranger boundaries – nobody was a stranger. They would say all kinds of crazy and scary things.” The twins talked about killing, suicide, and self-mutilation. They would rock back and forth, Cynthia said, “like those children they find in Romanian orphanages.”

Both twins were diagnosed with reactive attachment disorder. “There is no way I could have done this without the help of the Victim Compensation Program. I would not have been able to take care of

them without the therapy. I was simply unequipped to handle their extreme problems.”

The twins were never held or cuddled as babies. The therapist taught the children how to feel and express emotions, and taught Cynthia how to help them. “I would have said, ‘I can’t do this’ without the therapy. They had been so defiant and destructive. If you saw them now, you would never know.”

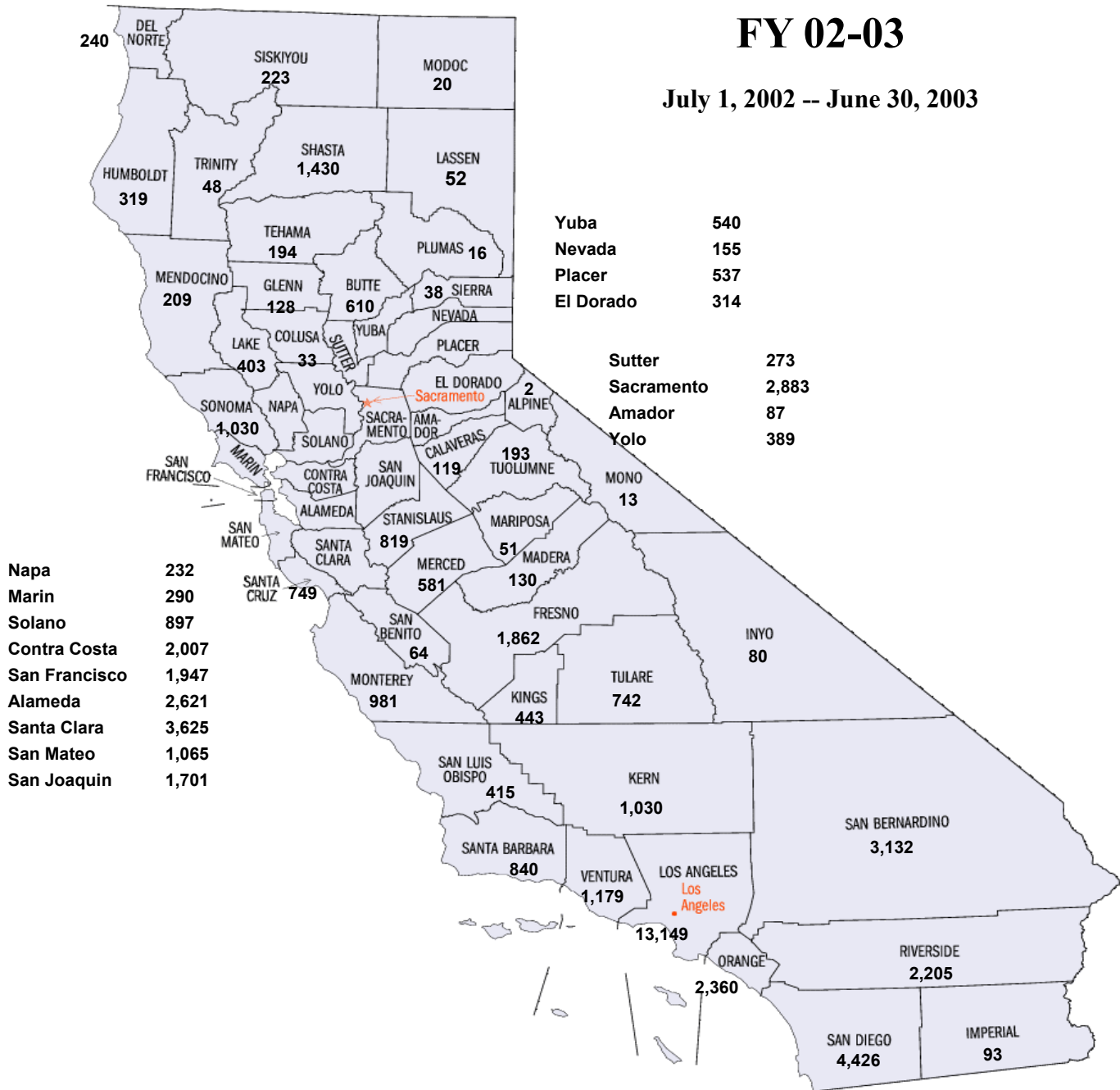
Cynthia is certain that her twin’s first three and a half years were so devastating that the boys would not have had any chance in life without treatment. “If it weren’t for the help we got, the twins would probably end up on drugs or in jail. We couldn’t have afforded the therapy they so badly needed. Victim compensation is an incredible program and, you know, people have no idea about the impact something like this can have on someone’s life. It turned our lives around.”

“Victim compensation is an incredible program. It turned our lives around.”

Compensation Applications Received from Each County

FY 02-03

July 1, 2002 -- June 30, 2003



Awards, Applications, and Revenue¹⁷ by County

	FY 99-00	FY 00-01	FY 01-02	FY 02-03		
	AWARD AMOUNTS	AWARD AMOUNTS	AWARD AMOUNTS	AWARD AMOUNTS	Restitution Revenue	Applications Received
Alameda	4,388,837	3,899,314	6,064,503	6,763,289	1,185,512	2,621
Alpine	960	8,253	3,892	10,272	19,810	2
Amador	54,796	28,905	105,195	74,460	87,386	87
Butte	449,096	577,602	787,386	725,804	492,646	610
Calaveras	42,889	74,785	60,353	114,300	66,500	119
Colusa	39,218	96,620	18,710	24,425	32,245	33
Contra Costa	2,819,618	3,361,257	4,076,678	3,251,430	687,615	2,007
Del Norte	116,437	62,627	140,809	161,941	59,074	240
El Dorado	443,640	363,129	543,827	548,155	267,424	314
Fresno	902,267	922,398	1,410,992	1,343,517	637,504	1,862
Glenn	123,118	149,555	209,247	78,188	42,620	128
Humboldt	430,367	427,201	625,475	671,723	212,581	319
Imperial	90,671	102,478	105,880	111,983	207,328	93
Inyo	77,461	72,774	117,960	110,010	75,135	80
Kern	937,431	1,013,938	2,002,057	1,410,319	1,232,125	1,030
Kings	164,829	217,215	144,546	180,654	257,430	443
Lake	353,662	422,223	441,378	544,338	144,579	403
Lassen	36,473	64,346	46,764	108,790	63,637	52
Los Angeles	25,152,524	30,181,567	39,102,894	39,709,393	10,425,649	13,149
Madera	197,583	126,015	161,642	156,277	139,433	130
Marin	417,241	467,716	607,415	669,675	283,469	290
Mariposa	65,308	51,768	45,915	50,279	20,442	51
Mendocino	324,387	261,251	377,543	399,391	161,795	209
Merced	333,617	467,167	692,717	535,967	227,785	581
Modoc	10,338	4,081	11,887	22,575	13,513	20
Mono	66,687	40,907	42,149	44,779	58,050	13
Monterey	776,186	1,139,465	1,675,213	1,183,318	596,372	981
Napa	478,979	328,940	555,220	398,332	260,921	232
Nevada	146,610	161,185	248,438	243,932	136,469	155
Orange	2,981,032	3,542,252	5,607,765	5,037,521	4,784,371	2,360

¹⁷ Amount of restitution fines and restitution orders collected from each county. Additional program revenue, such as penalty assessments, is included in the financial summary on page 8.

Awards, Applications, and Revenue by County

	FY 99-00 AWARD AMOUNTS	FY 00-01 AWARD AMOUNTS	FY 01-02 AWARD AMOUNTS	FY 02-03 AWARD AMOUNTS	Restitution Revenue	Applications Received
Placer	624,465	586,158	955,088	833,183	396,066	537
Plumas	32,513	24,468	28,807	19,753	37,008	16
Riverside	2,516,534	2,768,070	4,572,715	4,443,627	2,500,783	2,205
Sacramento	3,282,936	2,744,317	4,207,129	4,594,559	1,583,609	2,883
San Benito	177,752	110,857	128,080	116,196	25,679	64
San Bernardino	3,383,705	3,108,449	5,637,556	5,108,694	2,241,476	3,132
San Diego	6,897,435	6,557,421	10,341,920	8,665,375	4,140,609	4,426
San Francisco	1,966,364	2,954,474	4,407,567	3,961,470	140,933	1,947
San Joaquin	1,365,667	1,362,087	1,752,684	1,788,831	1,020,368	1,701
San Luis Obispo	725,380	749,182	783,617	703,235	695,494	415
San Mateo	1,327,375	1,479,930	2,413,617	1,538,769	803,247	1,065
Santa Barbara	860,907	689,942	1,300,209	1,105,809	1,248,806	840
Santa Clara	4,744,369	4,346,863	5,766,171	5,139,063	2,469,639	3,625
Santa Cruz	869,558	919,147	1,580,655	1,157,103	456,965	749
Shasta	930,832	1,373,294	2,051,284	1,734,376	313,677	1,430
Sierra	1,508	7,562	19,561	25,555	10,275	38
Siskiyou	120,650	135,568	258,397	311,382	91,896	223
Solano	1,009,503	966,472	1,384,523	1,409,034	500,110	897
Sonoma	1,183,155	1,322,457	1,828,048	1,380,917	798,594	1,030
Stanislaus	812,557	863,753	1,304,573	1,229,492	443,766	819
Sutter	264,672	206,151	351,721	279,039	133,902	273
Tehama	255,087	266,897	432,157	332,647	124,232	194
Trinity	43,198	66,531	58,469	61,204	35,185	48
Tulare	707,396	842,253	837,934	730,573	602,508	742
Tuolumne	182,844	192,570	185,511	126,982	192,354	193
Ventura	1,329,644	1,166,219	2,153,899	2,118,426	966,261	1,179
Yolo	549,056	533,042	637,360	601,942	97,052	389
Yuba	219,415	177,951	215,369	253,653	83,423	540
Non-CA, Other	310,952	416,315	2,322,933	2,574,091	NA	1,216
TOTAL	\$79,117,682	\$85,575,334	\$123,952,007	\$117,030,017	\$45,033,337	61,430

Restitution Collected from CDC and CYA¹⁸ **\$9,974,309**
Total Revenue¹⁹ **\$55,007,645**

¹⁸ California Department of Corrections and California Youth Authority

¹⁹ Amounts for restitution fines and orders reported in this chart are attributed to the month in which they were collected at the local level, thus the total, \$55,007,645 differs slightly (one percent) from the amounts reported in the financial summary, \$52,479,806 and \$2,039,771. Amounts in the financial summary must be calculated based on the month the Board received the payment.

Compensation Awarded by Each Joint Powers Verification Unit²⁰

	FY 99-00	FY 00-01	FY 01-02	FY 02-03
Alameda County	2,529,763	2,504,028	4,562,710	5,245,209
Butte County	730,798	984,909	1,172,238	794,428
Contra Costa County* ²¹	98,558	1,465,872	2,168,721	1,817,131
El Dorado County	412,978	449,635	572,877	595,692
Humboldt County	481,140	425,899	602,268	634,851
Los Angeles City* ²²	166,071	3,574,877	7,468,933	9,022,941
Los Angeles County	8,502,141	11,904,296	15,918,535	15,540,217
Orange County	2,538,577	3,217,267	4,367,662	3,454,496
Placer County	813,480	645,781	1,252,815	1,223,650
Riverside County	3,077,346	3,139,932	4,119,697	4,097,414
Sacramento County	1,806,444	1,565,692	2,235,945	3,175,596
San Bernardino County	2,259,354	2,410,244	4,145,631	4,321,388
San Diego County	1,765,182	1,516,910	2,647,233	2,914,289
San Francisco County	1,573,105	2,313,704	2,931,290	2,865,648
San Joaquin County	2,000,780	2,481,952	3,949,998	4,065,513
San Luis Obispo County	615,295	625,449	765,569	663,907
Santa Barbara County	755,213	669,254	1,303,430	1,042,951
Santa Clara County	3,503,855	3,791,452	5,952,605	5,288,081
Santa Cruz County	820,223	891,429	1,547,283	1,137,438
Shasta County	1,205,800	1,702,983	2,717,313	2,193,185
Sonoma County	829,178	1,026,550	1,603,636	1,228,311
Tulare County	627,097	804,752	726,271	657,117
County Center Sub-totals	\$37,112,378	\$48,112,867	\$72,732,660	\$71,979,452

²⁰ This represents the amount of compensation processed in each verification unit; it does not always equal the amount of awards made in the county where the unit is located. For instance, many verification units process claims for more than one county.

²¹ FY 99-00 was the first year of operation for this center.

²² Same as above.

One Victim's Voice: Annette

Annette's husband was shot to death while he was working at his glass repair shop on May 31, 2002. When he did not return home in the evening, her son went looking for him and found his body.

Annette calls her husband, "the most moral man I'd ever met. We'd been together almost forty years. He was a very humble and caring person. He always put my needs ahead of his. He'd never take credit for anything without sharing it with me. He said he had one goal - to help me fulfill all of my goals."

The Victim Compensation Program was able to help Annette. "They sent me money for loss of support. The money has been important to me because there is no more financial income from my husband. It spells security. I'm a survivor – I have been through a lot – and I have a strong need for security. I don't like to live devastated at all. The support really helped me."

Annette's family was killed when she was young – victims of political repression in Russia. The Red Cross helped her immigrate to the United States in 1952. "My husband never left me alone for a single day because



Annette

"The money has been important to me because there is no more financial income from my husband. The support really helped."

he knew I had nobody. I counted on him for everything. Since he was killed, at times I haven't been able to eat or sleep. Sometimes I cry all of the time. I feel all alone, like I have to start all over again. It takes everything I have just to get out of bed and brush my teeth.

"They told me that I could see a therapist if I wanted to and said

they would pay for it. I went three times, and have been following his directions on what to do. He helped me understand what was wrong with me. Going to the therapist was like a miracle.

"Nobody wants to have a widow around." It is hard for Annette to adjust to life without her partner. "It just feels like you don't have a social life -- but what I need is my friends around me. That's what gives me encouragement and love."

Revenue Recovery and Appeals Division

Restitution fines, restitution orders, penalty assessments, and diversion fees paid by state and federal offenders finance the Restitution Fund (Fund). Using no tax revenue, the Fund supports the Victim Compensation Program (VCP). The Revenue Recovery and Appeals Division (RRAD) of the Board promotes revenue enhancement through collaboration with judges, district attorneys, county revenue collection staff, corrections professionals, and county restitution specialists.

The Role of the Court in Ordering Restitution

The courts support the Restitution Fund in three ways:

- First, when an offender is convicted of a felony or misdemeanor in California, a judge is required to order the offender to pay a restitution fine. Except under compelling and extraordinary circumstances, each adult offender convicted of a felony must pay from \$200 to \$10,000 or from \$100 to \$1,000 if convicted of a misdemeanor. Fines levied on juvenile offenders range from \$100 to \$1,000 for a felony offense and up to \$100 for a misdemeanor.
- The second mechanism for funding the VCP is through penalty assessments. State and local penalty assessments are levied on every fine (other than restitution fines) imposed by the court system, including traffic offenses. The state penalty assessment is equal to 100 percent of the amount of the fine, and 22 percent of the state penalty assessments collected are assigned to the Fund.
- Third, in addition to imposing a restitution fine, judges must also order any offender whose victim has suffered a financial loss to pay restitution directly to that victim. If victim compensation has been paid, the offender must also be ordered to repay the VCP. The defendant has the right to a court hearing to dispute the amount of restitution, but the ability to pay has no bearing on the making of a restitution order. A restitution order is enforceable as if it were a civil judgment.

The Board contracts with 22 counties, as well as with the California Department of Corrections and the California Youth Authority, to operate Criminal Restitution Compact (CRC) programs to ensure that the courts have the information necessary to assess appropriate restitution fines and orders. These specialists help ensure that restitution is ordered anytime an offender is sentenced in connection with a crime where the Victim Compensation Program helped the victims.



(From left) Tina Campbell, Georgia Pinola, David Shaw, and Laura Hill of the Revenue Recovery and Appeals Division at the Board office in Sacramento

Collecting Fines, Orders and Penalty Assessments

Collecting restitution fines, restitution orders, and penalty assessments involves many partners in the court, corrections, and compensation system.

Counties with CRC Programs:

Alameda

Fresno

Kern

Lake

Los Angeles

Monterey

Napa

Orange

Placer

San Bernardino

San Diego

San Francisco

San Luis Obispo

San Mateo

Santa Barbara

Santa Clara

Shasta

Solano

Sonoma

Stanislaus

Ventura

- **Collecting at the county level:** Offenders who are placed on probation or sent to county jail must make payment arrangements with their probation officer. Payments are usually made to the local probation office, the court collections unit or the county's revenue office. The court may revoke a defendant's probation based on the defendant's willful failure to pay restitution when the defendant has the ability to do so. In FY 02-03, the Board collected \$52,479,806 in restitution fines and fees, \$45,447,949 in penalty assessments, and \$2,039,771 in restitution orders. The Board provides a financial incentive, in the form of a ten percent rebate, to California counties for the timely collection of restitution fines and orders.
- **California Department of Corrections (CDC) and California Youth Authority (CYA) collections:** CDC and CYA collect restitution for victims whose offenders are currently incarcerated in CDC and CYA institutions. If the offender does not voluntarily pay restitution, CDC and CYA can legally deduct restitution fines and orders from prisoners' wages and trust account deposits. In FY 02-03, CDC collected \$9.5 million in restitution fines and orders and CYA collected \$510,000.

Improving Restitution Implementation and Collection

Working with our partners to increase the criminal justice system's awareness of its responsibilities to crime victims is crucial to the financial stability of the VCP. A second critical factor is the need to hold offenders accountable for their actions through payment of restitution to their respective victims and to the Board. This also helps ensure sufficient funds are available so the VCP can provide timely assistance to

all victims.

The VCP provides ongoing training for the network of criminal justice professionals concerned with the implementation and collection of the fines, orders, and penalties supporting the fund.

- More than 630 probation officers, deputy district attorneys, judiciary, court administrators, and victim witness staff attended training presented by revenue recovery staff in FY 2002/03.

- Training was provided in Alameda, Contra Costa Mendocino Madera, Monterey, Napa, Sacramento, San Francisco, San Luis Obispo, Solano, Sutter, Ventura, and Yuba counties.
- Additionally, staff provided training for the California Revenue Officers Association's annual conference, the Juvenile Law Institute in Riverside, and San Diego City Attorney's Domestic Violence Unit.
- In May 2003, the Division conducted its first Northern California Fiscal Officers Conference to discuss creative and practical solutions to everyday problems faced by county revenue recovery staff. Representatives from several counties made presentations to the group on their successes with collection efforts. Approximately 60 fiscal officers, restitution specialists, and Board staff attended this conference.
- The Board has also organized a Restitution Committee composed of representatives from the criminal justice system and other associated professionals. The committee meets quarterly to promote communication and collaboration.

Alameda County: An Innovative Approach

The Alameda County Restitution Group is part of an innovative project to improve restitution imposition and collection in the county. The groundbreaking Friday Restitution Court established by Judge Vernon Nakahara has been highly successful. Every week a group of Alameda county offenders is called into court to modify sentences to include additional restitution or to report on the progress of restitution payment. This effort included transport of 90 CDC inmates to court in Alameda County to modify their sentences. By bringing these CDC inmates back into court, Judge Nakahara was able to update their sentences to include an additional \$627,000 in restitution.



Jing Jing Shia

The Alameda Restitution Group provides training and outreach on restitution issues to the courts, probation, and deputy district attorneys. They also provide staff support to the Friday Restitution Court.

Jing Jing Shia, a restitution specialist, is glad to see the process working. "The paperwork is detailed and tedious to prepare, but when I do a perfect job, all of the restitution is being ordered. Every piece of paper I send out counts. I am happy because I realize it's a wonderful program. What I'm doing to replenish the Restitution Fund will help the program to provide a great service."

Additional Revenue Recovery Efforts

The Board has additional strategies for recovering revenue. If an applicant files a civil suit, or is paid by another source such as worker's compensation or auto insurance after receiving compensation, the Board seeks reimbursement by filing a lien. In FY 02-03 the Board recovered \$1,532,914 in such cases. Occasionally overpayments are made to victims, and the Board can also collect repayment from the overpaid party.

Hearings and Appeals

Originally, the three-member Board heard all appeals of a denied VCP application and/or a particular expense at its public meetings. Realizing that the existing process placed an undue burden on the victim, the Board decided to look at alternatives. In May 2001, the Board directed staff to conduct a pilot project where

Many appeals can be resolved without hearing.

hearing officers would preside over the fact-finding sessions, instead of Board members. In July 2002, the Board decided to continue to use hearing officers to conduct VCP appeals. The hearing officers prepare proposed decisions that the Board discusses and acts upon at closed sessions during their meetings. Applicants who appeared before hearing officers rather than the three-member board were very positive about the experience. Those responding to customer service surveys commented that, "the hearing officer was very professional and helped make me and my daughter feel more comfortable," and "the hearing officer did a great job: informative and empathetic."

Applicants may appeal eligibility decisions and decisions on individual bills or payments. The pre-hearing resolution staff resolves many appeals without hearing, simply by reviewing files and additional information sent in by the person filing the appeal.

"The hearing officer was very professional and helped make me and my daughter feel more comfortable."

Comment from a customer survey

Currently, the Hearing Team has three hearing officers who conduct hearings in various locations around the state so that appellants do not need to travel to Sacramento to testify on their claim. Victims and applicants who do not wish to travel to the meeting can also elect to

have a telephone hearing. The new hearings allow for a more thorough discussion of the issues in a comfortable setting. Typically, hearings involve just the hearing officer, the appellants, and their witnesses, if any.

In FY 02-03, the Board received 1,138 appeals. The pre-hearing resolution staff were able to satisfactorily resolve 581 without hearing. Of the appeals that did require a hearing, in 79 cases enough information was obtained to allow the applicant to be eligible for compensation or payment. 269 decisions continued to be denied. Some hearings were continued into the next fiscal year.

The Government Claims Division

The Government Claims Program (GCP) helps resolve a wide variety of claims made against the State of California. The GCP offers an opportunity for individuals and organizations that have a dispute with a state agency to participate in examining the issues and resolving the dispute in a timely and equitable manner.



Sally Tuggle, Government Claims Office Assistant

Tort and Equity Claims

Two kinds of claims can be filed with the GCP: tort claims and equity claims. Anyone alleging legal liability on the part of the state, whose problem could lead to a lawsuit, would file a tort claim with the GCP. Sometimes such claims can be resolved at this level, saving the state and the claimant the expense of going to court.

By statute, a tort claim must be reviewed by the GCP before a lawsuit can be filed against the state.

Equity claims are filed by individuals and organizations that may have a monetary loss, but who are not likely to be able to file a lawsuit. Equity claimants often have no remedy available to them except through the GCP. According to Mary Herald, Claims Examiner, “we provide an avenue for people with no other recourse.” Examples of equity claims include problems that state employees may have with payroll, benefits, or travel claims.

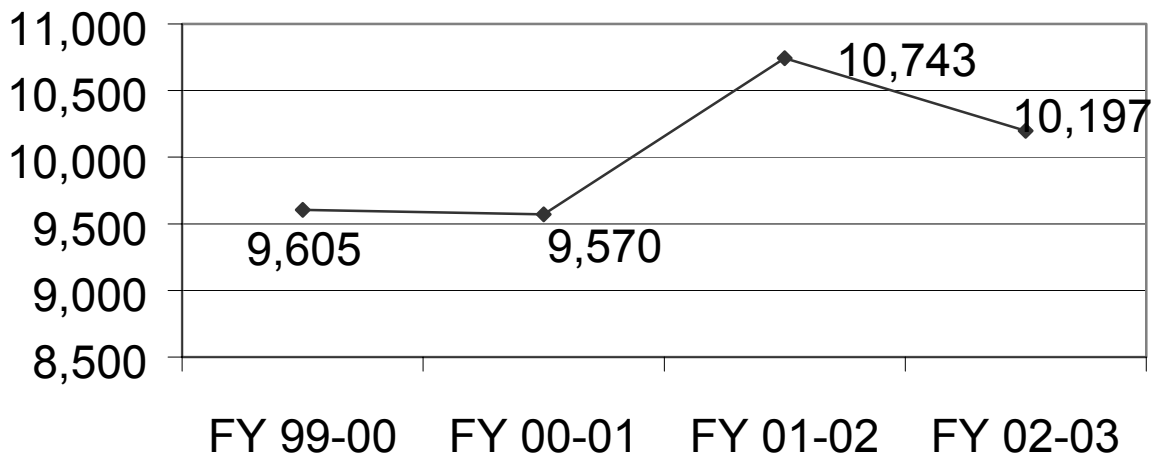
- ◆ In one equity claim, a state employee had personal property necessary for her work stolen from the state vehicle assigned to her. The value of the property stolen was higher than the amount her department was allowed to reimburse, so she had to file a claim in order to receive the additional reimbursement.
- ◆ In another example, a department did not file an employee’s retirement papers in a timely manner and she was overpaid for several months. This resulted in a dispute over the amount of income taxes she had to pay after the matter was settled. She had no recourse to obtain reimbursement except by filing a claim.

Approximately 10,000 claims per year are filed against the State of California. Between July 1, 2002, and June 30, 2003, 10,197 claims were filed. When a claim is filed, GCP staff work with the affected department or agency and the claimant to examine facts and work out a solution agreeable to all parties, if possible. This process allows the state an opportunity to investigate and settle claims without the need for costly litigation.

The Board Makes a Final Decision on Each Claim

At each meeting of the Victim Compensation and Government Claims Board, the GCP staff present their recommendations on claims to the Board for approval. Claimants whose tort claims are rejected by the Board can then file lawsuits. Claims the Board approves for payment are forwarded to the Legislature in omnibus claims bills twice each year. Last year the Legislature authorized payment of two bills, SB 94 and SB 95, totaling \$3,652,594. This payment comes from the General Fund and other special funds, not from the Board's budget.

Government Claims Received



Government Claims Examiner Pilot Project

In August 2002, the Victim Compensation and Government Claims Board implemented a pilot project designating claims examiners to meet with claimants and affected state agencies and afford them the opportunity to fully explain their respective positions on claims. As a result, the claims examiners can provide the Board with substantial information upon which to base a final decision. Additionally, claims examiners are able to assess the types of issues and trends that create claims.

Conditions and practices with particular agencies are noted so that the Board may propose corrective action.



Jane Howell, Claims Examiner

This process allows the state an opportunity to investigate and settle claims without the need for litigation.

Prior to the implementation of the new process, the Board received a synopsis of the claimant's problem along with recommendations from the affected department and the GCP staff. If claimants wanted to present information to the Board, they had to appear in Sacramento at the monthly Board meeting.

The new process allows claims examiners to act as fact finders, meeting with claimants and affected departments in person or by telephone. The process has met with success. In a customer satisfaction survey, 78 percent of those surveyed agreed that they received excellent service. 100 percent of the department representatives who responded to the survey were pleased with the process.

"I believe this hearing gave me the opportunity to provide additional information to my department to help them understand my claim and provide me with a fair recommendation."

Comment from a customer satisfaction survey

Other Duties of the Government Claims Division

The Government Claims Division is also tasked with assisting the Board in fulfilling several other responsibilities:

- The Board has been responsible for resolving bid protests since 1955. Bidders in a competitive process who are not selected for a contract award when the state is purchasing goods, telecommunications, or electronic data processing, may dispute the process by filing a protest with the Board. The protest must be made before the award is finalized. The contract cannot be awarded until either the Board resolves the protest or the protest is withdrawn. The Board received 15 bid protests in FY 02-03. Four were dismissed, three went to hearing and eight were withdrawn.
- Under Penal Code section 4900, persons who have been wrongfully convicted of a felony may file a claim. If the Board, in conjunction with the Attorney General's Office and the local district attorney, finds that the evidence supports the claim, the Legislature is required to award the claimant \$100 for each day of incarceration after conviction. The Board processed four PC 4900 claims in FY 02-03, awarding a total of \$17,200 to one claimant. Three of the claims were not allowed.
- The Board must set the daily reimbursement for living expenses that legislators receive when the Legislature is in session.
- The Board also sets travel reimbursement rates for elected officials and the judiciary.

California State Employees Charitable Campaign (CSECC)

The Victim Compensation and Government Claims Board assists with the administration of the California State Employees Charitable Campaign (CSECC), the workplace charitable campaign for employees of the State of California. This program was established in 1957 to provide a single charitable fund-raising drive for state workers. State employees can enroll in this program to support charitable organizations by selecting an amount to be deducted from their paycheck. During a six-week period in the fall, each state employee is given a payroll deduction pledge form and a brochure listing over 675 participating charitable agencies.



Although the CSECC is referred to as if it were a single entity, there is no single "state" campaign. Rather, there are approximately 31 campaigns. Each one of these local campaigns produces its own separate campaign brochures, publicity materials and campaign plans. Every year the Board selects an organization, usually a local United Way, to manage the campaign in various regions across the state. The five-county capitol area campaign raises over \$3 million each year.

Acknowledgements

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Gray Davis, Governor, State of California

William Lockyer, Attorney General

California State Legislature

Aileen Adams, Secretary, State and Consumer Services Agency

We would also like to thank our many partners, including: Administrative Office of the Courts, Board of Prison Terms, California Coalition Against Sexual Assault, California Alliance Against Domestic Violence, California Department of Mental Health, California Youth Authority, Court Administrators, Criminal Restitution Compact County Staff, Department of Corrections, California Department of Justice, California District Attorneys Association, District Attorneys, Domestic Violence Multi-Agency Task Force, Government Claims Advisory Committee, Governor's Office of Criminal Justice Planning, Joint Power of Agreement County Staff, Judiciary Officials, Local Victim/Witness Assistance Centers, Victim and Witness Coordinating Council, Mental Health Service Providers, National Association of Crime Victim Compensation Boards, Office of Emergency Services, Probation Officers, Standards of Care Task Force, Statewide California Coalition for Battered Women, University of California at San Francisco Trauma Recovery Center, United States Department of Justice Office for Victims of Crime, Victim Compensation Program Advisory Committee, Youth & Adult Correctional Agency, and the Youthful Offender Parole Board.



Robin Jones, Staff Services Analyst, and Pamela Grant, Personnel Specialist, Human Resources Section at the Board office in Sacramento.

“ I just want to commend my staff. They have a very difficult job. Constantly bombarded with very graphic, violent information, and dealing face to face with people who’ve experienced very violent crime, their willingness to go the extra mile to help people is admirable.”

*Sylvia Nieto
Program Manager
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